

STATE OF MICHIGAN
COURT OF APPEALS

SHARON ABREY,

Plaintiff-Appellant,

v

MICHAEL PAUL CROSS,

Defendant-Appellee.

UNPUBLISHED

September 16, 2008

No. 285383

Branch Circuit Court

LC No. 07-009593-DC

Before: Whitbeck, P.J., and Bandstra and Donofrio, JJ.

PER CURIAM.

Plaintiff appeals as of right from a circuit court order denying her petition for grandparent visitation pursuant to MCL 722.27b. Because the trial court's findings were sufficient to satisfy the statutory requirement, we affirm.

A trial court's ruling regarding grandparent visitation must be affirmed on appeal unless the court's findings of fact are against the great weight of the evidence, the court committed a palpable abuse of discretion, or the court made a clear legal error on a major issue. MCL 722.28; *Keenan v Dawson*, 275 Mich App 671, 679; 739 NW2d 681 (2007).

If the parent of a child is deceased, the deceased parent's parent may petition the court for an order for grandparenting time. MCL 722.27b(1)(c). It is presumed that a fit parent's decision to deny grandparent visitation does not create a substantial risk of harm to the child's mental, physical, or emotional health and the grandparent must rebut this presumption by a preponderance of the evidence. MCL 722.27b(4)(b). If the grandparent meets her burden of proof, the court must consider whether it is in the child's best interests to order grandparent visitation, taking into consideration the factors outlined in the statute. MCL 722.27b(6). "The court shall make a record of its analysis and findings under subsections (4), (6), (8), and (11), including the reasons for granting or denying a requested grandparenting time order." MCL 722.27b(12).

Plaintiff argues that the trial court failed to make the requisite record of its findings under §§ 7b(4), (6), (8), and (11) as required under § 7b(12). The trial court found that defendant was

not a fit parent¹ and, therefore, plaintiff was not required to rebut the presumption that his decision to deny visitation did not create a substantial risk of harm to the children. MCL 722.27b(4)(b). The court also addressed each of the best interest factors enumerated in the statute. MCL 722.27b(6). Because this was plaintiff's first petition under § 7b and an order for grandparenting time had not previously been entered, §§ 7b(8) and (11) were inapplicable and the trial court was not required to address them. The trial court's findings were sufficient to satisfy § 7b(12).

Although plaintiff also argues that the trial court's decision is against the great weight of the evidence, she does not discuss any of the evidence that was presented below or attempt to explain how the weight of the evidence supports a different result. A party cannot "announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position." *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Because plaintiff has failed to brief the merits of her argument, we deem it abandoned. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999).

Affirmed.

/s/ William C. Whitbeck
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio

¹ We express no opinion on the trial court's foundational finding regarding defendant's fitness as a parent.